

REMARKS

This Amendment is submitted in reply to the final Office Action mailed on October 13, 2006. A Request for Continued Examination (RCE) is submitted herewith. The Director is authorized to charge \$790.00 for the RCE and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112843-76 on the account statement.

Claims 1, 3-11 and 17-19 are pending in this application. Claim 2 was previously canceled. Claims 12-16 were previously withdrawn. Claim 17 is allowed. In the Office Action, the specification is objected to and Claims 1, 3-11 and 18-19 are rejected under 35 U.S.C. §112, first paragraph. In response, Claims 1 and 18-19 have been amended. These amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, the specification is objected to. Specifically, the Patent Office alleges that in Fig. 2 the Western blot analysis of human milk fractions only shows the band of 130 kDa for various milk fractions containing OPG and does not show the bands of 80 and 200 kDa for these milk fractions or the band of 55 kDa for recombinant OPG. Applicants respectfully submit that the objection to the specification is rendered moot in view of the amendment to the claims as discussed below.

In the Office Action, Claims 1, 3-11 and 18-19 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Patent Office alleges that there is a lack of description for osteoprotegerin that includes a glycosylation pattern giving rise to a polypeptide having a molecular weight of approximately 80, 130 and 200 kDa. In response, Applicants have amended Claims 1 and 18-19 to recite, in part, that the osteoprotegerin includes a glycosylation pattern giving rise to a polypeptide having a molecular weight of approximately 130 kDa. This amendment is supported in the specification, for example, at Figure 2, and the Patent Office admits same. See, Office Action, page 4, lines 4-5. Based on at least these noted reasons, Applicants believe that Claims 1 and 18-19 and Claims 3-11 that depend from Claim 1 fully comply with 35 U.S.C. §112, first paragraph.


Accordingly, Applicants respectfully request that the objection to the specification and the rejection under 35 U.S.C. §112 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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Dated: January 8, 2007